

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.,

Plaintiff,

V.

C.A. No. 04-10353-PBS

VOICE SIGNAL TECHNOLOGIES, INC.,
LAURENCE S. GILICK, ROBERT S.
ROTH, JONATHAN P. YAMRON, and
MANFRED G. GRABHERR,

Defendants.

**DEFENDANT VOICE SIGNAL TECHNOLOGIES, INC.'S MOTION
TO ENJOIN PLAINTIFF SCANSOFT, INC. (NUANCE) FROM PROSECUTING
RELATED PATENT INFRINGEMENT ACTION IN THE EASTERN DISTRICT OF
TEXAS AND TO SHOW CAUSE WHY PLAINTIFF HAS NOT VIOLATED THE
PROTECTIVE ORDER AND THE COURT'S NEUTRAL EXPERT PROCEDURE**

Defendant Voice Signal Technologies, Inc. (“Voice Signal”) hereby moves to enjoin to enjoin Plaintiff ScanSoft, Inc. (Nuance) from prosecuting related patent infringement action in the Eastern District of Texas and to show cause why plaintiffs should not be held in contempt for violation of the protective order and the Court ’s Neutral Expert Procedure.

As grounds for this motion, Voice Signal states that on March 30, 2006, Nuance Communications, Inc. (the corporate name that ScanSoft now utilizes), filed a complaint for patent infringement against Voice Signal in the United States District Court for the Eastern District of Texas, entitled *Nuance Communications, Inc. v. Voice Signal Technologies, Inc.*, Civil Action No. 06-506CV71 (the “Texas Action”). The Texas Action was filed shortly after Voice Signal produced a large volume of source code pursuant to this Court’s Neutral Expert

Procedure, including source code relating to Voice Signal's speech recognition and dictation software. In the Texas Action, Nuance asserts that Voice Signal has infringed three patents directed to speech recognition and dictation technology. It accuses Voice Signal's speech recognition and dictation product, known as VoiceMode. By this Motion, Voice Signal seeks to enjoin ScanSoft from prosecuting the Texas Action pending investigation to determine whether ScanSoft used any information gleaned from the source code material and other documents produced pursuant to this Court's Neutral Expert Procedure to formulate its claims in the Texas Action.

The above-stated grounds for this motion are more particularly set forth in Voice Signal's Memorandum in support of its Motion to Enjoin Plaintiff ScanSoft, Inc. (Nuance) From Prosecuting Related Patent Infringement Action in the Eastern District of Texas and to Show Cause Why Plaintiffs Should Not be Held in Contempt for Violation of the Protective Order and the Court's Neutral Expert Procedure, filed herewith.

WHEREFORE, Voice Signal respectfully requests that this Court grant this Motion, and grant such further relief as this Court deems just and appropriate.

Respectfully submitted,

VOICE SIGNAL TECHNOLOGIES, INC.

By its attorneys,

/s/ Richard C. Abati

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May 4, 2006

CERTIFICATE PURSUANT TO LOCAL RULES 7.1

I certify that counsel for Voice Signal conferred with counsel for ScanSoft in an effort to resolve the issues presented in this motion and that the parties were unable to reach an agreement.

/s/ Richard C. Abati

Richard C. Abati

Certificate of Service

I hereby certify as follows:

1. This document filed through the ECF system will be sent electronically to the registered participants in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 4, 2006.

2. On May 4, 2006, a true and correct copy of this document was served by hand to Rebecca L. Hanovice, Esq. of Bromberg & Sunstein LLP, 125 Summer Street, Boston, MA 0211.

/s/ Richard C. Abati